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San Jose, California 95112  
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MICHAEL CRAIG,  
Plaintiff,

v.

ADSPACE NETWORKS, INC., a  
corporation,  
Defendants.

FILED  
E-FILING

RICHARD W. VIERING  
CLERK  
U.S. DISTRICT COURT  
N.D. DIST. OF CAL.

ADR

C08 01873 RS

COMPLAINT FOR DAMAGES FOR  
GENDER DISCRIMINATION; FAILURE  
TO PREVENT DISCRIMINATION;  
WRONGFUL TERMINATION; AND  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS; AND  
DEMAND FOR TRIAL BY JURY

Plaintiff MICHAEL CRAIG complains of Defendant ADSPACE NETWORKS, INC., a corporation and alleges:

This matter is proper to this court pursuant to 28 U.S.C. §1332 because there is a complete diversity of citizenship between the parties and the amount in controversy exceeds the minimum amount required under 28 U.S.C. §1332. This is the proper venue for this action in that the contract and acts alleged occurred within the Northern District of California.

**FACTS COMMON TO ALL COUNTS**

1. Plaintiff MICHAEL CRAIG, hereinafter referred to as Plaintiff, at all relevant times was, and is, a resident of the County of Santa Cruz, State of California.

2. Defendant ADSPACE NETWORKS, INC., hereinafter referred to as Defendant, at all relevant times was, and is, a corporation incorporated in the State of Delaware and doing business in the State of California and elsewhere.

3. On or about January 9, 2006, Plaintiff entered into an employment relationship with Defendant to work as a Regional Sales Manager. During the course of said employment with Defendant, Plaintiff performed all his duties in an exemplary manner, was always professional, courteous, prompt, prepared, and responsive to her job, and was repeatedly told by his supervisors that he was meeting or exceeding the expectations and requirements of his job. By way of verbal communications, awards, raises, and good performance appraisals, Plaintiff was led to believe that his employment was appreciated and that he would be employed indefinitely and given responsibilities commensurate with Plaintiff's capacities so long as he continued to perform well on the job.

4. By email on August 20, 2007, Defendant informed Plaintiff that his employment had been terminated effective the same date.

**FIRST COUNT**

**(Gender Discrimination)**

Plaintiff complains of Defendant ADSPACE NETWORKS, INC. and for the First Count alleges:

5. Plaintiff hereby incorporates by reference Paragraphs 1 through 4, and realleges the same as though set forth in full herein.

6. Defendant in violation of public policy against employment discrimination based on gender, pursued a course of conduct of discrimination against Plaintiff. Plaintiff consistently met or exceeded all goals set by Defendant but received warnings, while female co-workers who did not meet their assigned goals were not disciplined or warned and eventually terminated Plaintiff's employment on August 20, 2007. At the time of his termination, Plaintiff was the only male regional sales manager employed by Defendant.

7. On or about September 6, 2007, Plaintiff filed a claim against Defendant ADSPACE NETWORKS, INC. with the California Department of Fair Employment and Housing (hereinafter referred to as the "DFEH") alleging gender discrimination by Defendant. A true and correct copy of Plaintiff's DFEH claim against Defendant ADSPACE NETWORKS, INC. is attached hereto, and incorporated herein by reference, as Exhibit "A." Plaintiff received his "Right-to-Sue" letter on or about September 14, 2007, a copy of which is attached hereto, and incorporated herein by reference, as Exhibit

1 "B."

2 8. Defendant's gender discrimination of Plaintiff was carried out in violation of the public  
3 policy against gender discrimination, as set forth in the California Fair Employment and Housing Act,  
4 codified at Government Code, § 12940, *et seq.*

5 9. As a direct and proximate result of Defendant's gender discrimination of Plaintiff in  
6 violation of public policy, Plaintiff has been specially damaged by loss of salary, commissions, bonuses,  
7 stock options and other benefits, counseling expenses and pre-judgment interest in amounts presently  
8 unascertained, but in an amount in excess of the jurisdictional limits of this court. Plaintiff further claims  
9 damages by way of double back pay, interest, and attorney's fees pursuant to California Government  
10 Code § 12653. Plaintiff hereby reserves the right to submit such special damages as they are incurred  
11 or ascertained.

12 10. As a direct and proximate result of Defendant's gender discrimination of Plaintiff, in  
13 violation of public policy, Plaintiff has been humiliated, embarrassed, and caused to suffer great mental  
14 and emotional distress, and has been generally damaged in amounts presently unascertained, and  
15 Plaintiff hereby reserves the right to allege such general damages as they are incurred or ascertained.

16 11. Defendant's conduct, as aforesaid, was willful, malicious, oppressive, and done with  
17 conscious and reckless disregard of the rights of Plaintiff, and by way of punishment and example and  
18 to prevent future similar treatment of other employees, Plaintiff prays that punitive damages be assessed  
19 against Defendant pursuant to Civil Code § 3294.

## 20 **SECOND COUNT**

### 21 **(Failure to Prevent Discrimination)**

22 Plaintiff complains of Defendant ADSPACE NETWORKS, INC. and for the Second Count  
23 alleges:

24 12. Plaintiff hereby incorporates by reference Paragraphs 1 through 4 and Paragraphs 6  
25 through 8 of the First Count, and realleges the same as though set forth in full herein.

26 13. At all times herein mentioned, Defendant failed to take all reasonable measures to prevent  
27 and protect Plaintiff against gender discrimination. Defendant failed to adopt, implement, distribute or  
28 follow any policies or procedures designed to prevent or discourage such discrimination. Defendant

1 further failed to properly investigate complaints of discrimination and failed to discipline any employees  
2 responsible for engaging in such discrimination.

3 14. Defendant's failure to take reasonable measures to prevent gender discrimination was  
4 carried out in violation of the public policy requiring employers to take reasonable measures to protect  
5 employees from such discrimination, as set forth in the California Fair Employment and Housing Act,  
6 codified at Government Code, § 12940, *et seq.*

7 15. On or about September 6, 2007, Plaintiff filed a claim against Defendant ADSPACE  
8 NETWORKS, INC. with the California Department of Fair Employment and Housing (hereinafter  
9 referred to as the "DFEH") alleging gender discrimination by Defendant. A true and correct copy of  
10 Plaintiff's DFEH claim against Defendant ADSPACE NETWORKS, INC. is attached hereto, and  
11 incorporated herein by reference, as Exhibit "A." Plaintiff received his "Right-to-Sue" letter on or about  
12 September 14, 2007, a copy of which is attached hereto, and incorporated herein by reference, as Exhibit  
13 "B."

14 16. As a direct and proximate result of Defendant's failure to prevent gender discrimination  
15 of Plaintiff in violation of public policy, Plaintiff has been specially damaged by loss of salary,  
16 commissions, bonuses, stock options and other benefits, counseling expenses and pre-judgment interest  
17 in amounts presently unascertained, but in an amount in excess of the jurisdictional limits of this court.  
18 Plaintiff further claims damages by way of double back pay, interest, and attorney's fees pursuant to  
19 California Government Code § 12653. Plaintiff hereby reserves the right to submit such special damages  
20 as they are incurred or ascertained.

21 17. As a direct and proximate result of Defendant's failure to prevent gender discrimination  
22 of Plaintiff, in violation of public policy, Plaintiff has been humiliated, embarrassed, and caused to suffer  
23 great mental and emotional distress, and has been generally damaged in amounts presently unascertained,  
24 and Plaintiff hereby reserves the right to allege such general damages as they are incurred or ascertained.

25 18. Defendant's conduct was deliberate, willful, fraudulent, malicious, oppressive,  
26 despicable, and in conscious and reckless disregard of the rights of Plaintiff, and by way of punishment  
27 and example and to prevent future similar treatment of other employees, Plaintiff prays that punitive  
28 damages be assessed against the defendants pursuant to Civil Code § 3294.

**THIRD COUNT**

**(Wrongful Termination)**

Plaintiff complains of Defendant ADSPACE NETWORKS, INC. and for the Third Count alleges:

19. Plaintiff hereby incorporates by reference Paragraphs 1 through 4, Paragraphs 6 through 8 of the First Count, Paragraphs 13 through 15 of the Second Count, and realleges the same as though set forth in full herein.

20. On or about August 20, 2007, Defendant terminated Plaintiff's employment. Defendant's termination of Plaintiff was carried out in violation of the public policies against terminating or discriminating against employees based on gender, as set forth in the California Fair Employment and Housing Act, codified at Government Code, section 12940, *et seq.*

21. On or about September 6, 2007, Plaintiff filed a claim against Defendant ADSPACE NETWORKS, INC. with the California Department of Fair Employment and Housing (hereinafter referred to as the "DFEH") alleging wrongful termination by Defendant. A true and correct copy of Plaintiff's DFEH claim against Defendant ADSPACE NETWORKS, INC. is attached hereto, and incorporated herein by reference, as Exhibit "A." Plaintiff received his "Right-to-Sue" letter on or about September 14, 2007, a copy of which is attached hereto, and incorporated herein by reference, as Exhibit "B."

22. As a direct and proximate result of Defendant's termination of Plaintiff in violation of public policy, Plaintiff has been specially damaged by loss of salary, commissions, bonuses, stock options and other benefits, counseling expenses and pre-judgment interest in amounts presently unascertained, but in an amount in excess of the jurisdictional limits of this court. Plaintiff further claims damages by way of double back pay, interest, and attorney's fees pursuant to California Government Code § 12653. Plaintiff hereby reserves the right to submit such special damages as they are incurred or ascertained.

23. As a direct and proximate result of Defendant's termination of Plaintiff, in violation of public policy, Plaintiff has been humiliated, embarrassed, and caused to suffer great mental and emotional distress, and has been generally damaged in amounts presently unascertained, and Plaintiff

1 hereby reserves the right to allege such general damages as they are incurred or ascertained.

2 24. Defendant's conduct was deliberate, willful, fraudulent, malicious, oppressive,  
3 despicable, and in conscious and reckless disregard of the rights of Plaintiff, and by way of punishment  
4 and example and to prevent future similar treatment of other employees, Plaintiff prays that punitive  
5 damages be assessed against the defendants pursuant to Civil Code § 3294.

6 **FOURTH COUNT**

7 **(Intentional Infliction of Emotional Distress)**

8 Plaintiff complains of Defendant ADSPACE NETWORKS, INC. and for the Third Count  
9 alleges:

10 25. Plaintiff hereby incorporates by reference Paragraphs 1 through 4, Paragraphs 6  
11 through 8 of the First Count, Paragraphs 13 through 15 of the Second Count, Paragraph 20 of the Third  
12 Count and realleges the same as though set forth in full herein.

13 26. The aforementioned gender discrimination, failure to prevent discrimination and  
14 subsequent wrongful termination of Plaintiff's employment, Defendant ADSPACE NETWORKS, INC.  
15 engaged in extreme, outrageous, and unprivileged conduct against Plaintiff with the intent to cause  
16 Plaintiff severe emotional distress. Defendant ADSPACE NETWORKS, INC. further engaged in the  
17 aforementioned conduct with a reckless disregard of the probability such conduct would cause Plaintiff  
18 to suffer severe emotional distress.

19 27. As a direct and proximate result of Defendants' intentional infliction of emotional  
20 distress, Plaintiff has been specially damaged by way of incurring counseling expenses in amounts  
21 presently unascertained but in excess of the jurisdictional limits of this court. Plaintiff reserves the right  
22 to submit such damages as they are incurred or ascertained.

23 28. As a direct and proximate result of Defendants' intentional infliction of emotional  
24 distress, Plaintiff has been humiliated, embarrassed, and caused to suffer great mental and emotional  
25 distress, and has been generally damaged in amounts presently unascertained, and Plaintiff hereby  
26 reserves the right to allege such general damages as they are incurred or ascertained.

27 29. Defendant's conduct was deliberate, willful, fraudulent, malicious, oppressive,  
28 despicable, and in conscious and reckless disregard of the rights of Plaintiff, and by way of punishment



1 and example and to prevent future similar treatment of other employees, Plaintiff prays that punitive  
2 damages be assessed against the defendants pursuant to Civil Code § 3294.  
3

4 DATED: April 7, 2008

BOHN & BOHN LLP

By: 

ROBERT H. BOHN, ESQ.  
Attorneys for Plaintiff  
MICHAEL CRAIG

9 Plaintiff hereby demands trial by jury.

11 DATED: April 7, 2008

BOHN & BOHN LLP

By: 

ROBERT H. BOHN, ESQ.  
Attorneys for Plaintiff  
MICHAEL CRAIG

**EXHIBIT A**



\*\*\* EMPLOYMENT \*\*\*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E-200708-G-0287-00-sc

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.)

Michael Craig

TELEPHONE NUMBER (INCLUDE AREA CODE)

288

ADDRESS

108 Heather Court

CITY/STATE/ZIP

Santa Cruz, CA 95065

COUNTY

Santa Cruz

COUNTY CODE

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE,  
OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

Adspace Networks, Inc.

TELEPHONE NUMBER (include Area Code)

646-367-5300

ADDRESS

122 East 42nd Street

DFEH USE ONLY

CITY/STATE/ZIP

New York, NY 10168

COUNTY

Santa Clara

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

more than 5

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

8/21/07

RESPONDENT CODE

THE PARTICULARS ARE:

On 8/21/07

I was

☒ fired

☐ laid off

☐ demoted

☐ harassed

☐ genetic characteristics testing

☐ forced to quit

☐ denied employment

☐ denied promotion

☐ denied transfer

☐ denied accommodation

☐ impermissible non-job-related inquiry

☐ other (specify)

☐ denied family or medical leave

☐ denied pregnancy leave

☐ denied equal pay

☐ denied right to wear pants

☐ denied pregnancy accommodation

by **\*\*\* L. Jeff Jensen, President**

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of my:

☒ sex

☐ age

☐ religion

☐ race/color

☐ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ physical disability

☐ mental disability

☐ other (specify)

☐ cancer

☐ genetic characteristic

(Circle one) filing:

Protesting; participating in

investigation (retaliation for)

the reason given by

Name of Person and Job Title

Was because  
of [please  
state what  
you believe to  
be reason(s)]

I was fired because of my gender. I was the last male ~~in~~  
regional sales manager in the company, and was terminated  
to accommodate ~~Mxxxx~~ the company's preference for young  
attractive females

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I  
want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the  
DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair  
Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters  
stated on my information and belief, and as to those matters I believe it to be true.

Dated August 25, 2007

At Santa Cruz, CA

City

COMPLAINANT'S SIGNATURE

RECEIVED

SEP - 6 2007

DFEH-300-03 (01/05)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

SEP 06 2007

DEPT. OF FAIR EMPLOYMENT AND  
HOUSING STATE OF CALIFORNIA

**EXHIBIT B**

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2570 North 1st Street, Suite 480, San Jose, CA 95131  
(408) 325-0344 TTY (800) 700-2320 Fax (408) 325-0339  
www.dfeh.ca.gov

ARNOLD SCHWARZENEGGER, Governor



September 14, 2007

Douglas C. Kane  
Attorney At Law  
LAW OFFICE OF DOUGLAS KANE  
121 Jewell Street  
Santa Cruz, CA 95060

RE: E200708G0287-00-sc  
CRAIG/ADSPACE NETWORKS, INC.

Dear Douglas C. Kane:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective September 6, 2007 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

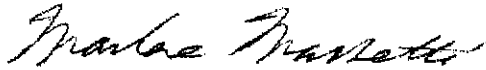
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Marlene Massetti  
District Administrator

cc: Case File

L. JEFF JENSEN  
PRESIDENT  
ADSPACE NETWORKS, INC.  
122 EAST 42ND STREET  
NEW YORK, NY 10168

JS 44 (Rev. 12/07) (and rev 1-16-08)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

## I. (a) PLAINTIFFS

MICHAEL CRAIG

## DEFENDANTS

ADSPACE NETWORKS, INC., a corporation

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robert H. Bohn  
BOHN & BOHN LLP  
152 N. Third Street, Suite 200  
San Jose, CA 95112

C08 01873

RS

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☒ 5
- Citizen or Subject of a Foreign Country ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury — Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<b>PRISONER PETITIONS</b>	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability	<b>CIVIL RIGHTS</b>	<b>Habeas Corpus:</b>	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<b>REAL PROPERTY</b>	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 Amer. w/Disabilities - Other		<b>IMMIGRATION</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability			<input type="checkbox"/> 463 Habeas Corpus — Alien Detainee		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property			<input type="checkbox"/> 465 Other Immigration Actions		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened
- Transferred from ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
California Government Code §12940, et seq.

Brief description of cause:

Gender discrimination, failure to prevent discrimination, wrongful termination &amp; intentional infliction of emotional distress

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ excess of jurisdiction ☐ CHECK YES only if demanded in complaint:

## VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE" Non-applicable.

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND☒ SAN JOSEDATE  
April 7, 2008

SIGNATURE OF ATTORNEY OF RECORD